

**IN THE CLAIMS**

The following claims are pending in the present application:

1. (PREVIOUSLY PRESENTED) A chelated complex comprising:  
    nisin, fusion proteins thereof, and mixtures thereof; and  
    a detectable label comprising cobalt, wherein the complex is disposed within an isolated, *in vitro* sample to be tested.
2. (ORIGINAL) The complex of claim 1, wherein the complex binds to microbial cells selected from the group consisting of gram positive bacteria or mycobacteria.
3. (ORIGINAL) The complex of claim 1, wherein the complex binds to gram negative bacteria or fungi.

Claims 4-72 (CANCELED)

73. (WITHDRAWN) A method for conducting a chemiluminescent assay of pathogens comprising:  
    (a) contacting a sample with the complex of claim 1, under conditions and for a time sufficient to allow the complex to bind with pathogens present in the sample;  
    (b) removing any unbound complex; and  
    (c) detecting the pathogens by contacting the sample with a peroxide source and an oxidizable substrate.
74. (WITHDRAWN) The method of claim 73, wherein pathogens are isolated from the sample prior to contacting the sample with the complex.

75. (WITHDRAWN) The method of claim 74, wherein pathogens are isolated from the sample using antibody-attached microbeads or phage-attached microbeads.
76. (WITHDRAWN) The method of claim 75, wherein the microbeads comprise a magnetic material.
77. (WITHDRAWN) The method of claim 73, wherein the peroxide source is selected from the group consisting of hydrogen peroxide, benzoyl peroxide and cumyl peroxide.
78. (WITHDRAWN) The method of claim 73, wherein the oxidizable substrate is selected from the group consisting of luminol and its derivatives, lucigenin, penicillin, luciferin, and polyaromatic phthalylhydrazides.
79. (WITHDRAWN) The method of claim 73, wherein the pathogens are gram positive bacteria or mycobacteria.
80. (WITHDRAWN) The method of claim 73, wherein the pathogens are gram negative bacteria or fungi.
81. (WITHDRAWN) The method of claim 73, wherein the bacteria are selected from the group consisting of lactococci, leuconostocs, micrococci, pediococci, actinomyces, mycobacteria, pneumococci, streptococci, staphylococci, aerobic bacilli, anaerobic clostridia, listeria and nocardia.
82. (WITHDRAWN) The method of claim 81, wherein the mycobacteria are selected from the group consisting of *mycobacterium tuberculosis*, *mycobacterium avium*, *mycobacterium paratuberculosis*, *mycobacterium bovis* and *mycobacterium leprae*.

83. (WITHDRAWN) The method of claim 81, wherein the bacteria are selected from the group consisting of *Bacillus aniliracis*, *Clostridium botulinum* and *Clostridium perfringes*.